-- *REMARKS* --

Applicants thank the Examiner for his many courtesies in the December 15, 2005 interview. Although no agreement was reached, Applicants are confident that prosecution has been advanced. Claims 18-20 have been amended, without adding new matter.

A. Claims 18, 19, 1-8, and 9 were rejected as nonstatutory

The rejection of claims 18, 19, 1-8, and 9 as nonstatutory under 35 U.S.C §101 is traversed. The Examiner supports this rejection by stating that a claim must meet the "technological arts" test. Based on *Ex Parte Lundgren* (Appeal No. 2003-2088 (BPAI 2005)), the Examiner is mistaken, as there is no such prong. The Examiner correctly notes that the claims produce a result. Therefore, the rejection of claims 18, 19, 1-8 and 9 is not founded in law, and Applicants request withdrawal of the rejection.

B.   Claims 1-20 were rejected as not enabled under 35 U.S.C. §112

The §112 rejection of claims 1-20 is traversed The Examiner fails to even allege that claims 1-20 meet the requirements of §112. In order to maintain a rejection under §112 1st paragraph, the specification must enable a person skilled in the art to make and use the claimed invention without undue experimentation. Without so much as even alleging that one skilled in the art would need to use undue experimentation to make or use the invention, the Examiner cannot have satisfied his burden to show a prima facie case. Additionally, the Examiner entirely fails to allege, much less prove, the skill held by one of ordinary skill in the art. That "another Examiner who has a degree in MIS and an MBA" "has the same problem" is entirely irrelevant. The number of times that the Examiner has read the specification is also irrelevant. See, page 8 of the September 29, 2005 office action. The Examiner states that "the specification merely explains the claims but contains no examples of how the inventions work" is evidence that the claims satisfy §112. The Examiner apparently agrees that the specification explains the claims, yet rejects the claims under §112. The Examiner fails to cite to any authority for a proposition that the specification must

provide "examples of how the inventions work" or that the "number of times" that the Examiner reads specification affects the patentability of any claims, and therefore appears to be holding the Applicants to an impromptu and extrajudicial standard of patentability.

Regardless of these arguments, Applicants have amended claims 18-20 as discussed with the Examiner. These amendments were not made to avoid any reference, but solely to clarify the invention.

Withdrawal of the rejections of claims 1-20 is requested.

C.   Claims 1-20 were rejected as indefinite under 35 U.S.C. §112

The §112 rejection of claims 1-20 is traversed. In order to satisfy the strictures of §112 second paragraph, the claims need only set out and circumscribe the invention with a reasonable degree of precision and particularity. The definiteness of language is analyzed, not in a vacuum, but in light of the teachings of the disclosure as the disclosure would be interpreted by one of ordinary skill in the art.

The Examiner fails to cite to any authority for a proposition that the claims must provide "a relationship between the pictorial representation serves as a documentation and the patterns and designing the architecture. The Examiner fails to cite to any authority that Applicants must "cite to an example". One of ordinary skill in the art would find the language of the claims definite when analyzed in light of the teachings of the disclosure.

Regardless of these arguments, Applicants have amended claims 18-20 as discussed with the Examiner. These amendments were not made to avoid any reference, but solely to clarify the invention.

Withdrawal of the rejections to claims 1-20 is requested.

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D.   Claims 10-17, and 20 were rejected as anticipated by Calver

The §102(e) rejection of claims 10-17 as anticipated by Calver is traversed. Contrary to the Examiner's assertions, the computer readable code does instruct a computer to carry out steps, and therefore have patentable effect. These steps are not merely code, but provide a series of steps for a computer to carry out.

Additionally, Calver does not disclose computer readable code for establishing integration patterns that are identifiable within the pictorial representation, or computer readable code for establishing one or more composite patterns, as claimed in claim 10. At most, Calver discloses a small business web-based portal method and system for interactively providing user-tailored information. Applicants note the Examiner's failure to identify anywhere in Calver that discloses the steps carried out by the claimed computer program product in a computer readable medium.

Applicants also note that the goal of examination is to *clearly* articulate any rejection *early* in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply competently at the earliest opportunity. MPEP §706. The Examiner's failure to provide clear articulation for the anticipation rejection has prejudiced Applicants' ability to respond, as Applicant is not fully on notice of the basis for the Examiner's rejection.

Regardless of these arguments, Applicants have amended claim 20 as discussed with the Examiner. This amendment were not made to avoid any reference, but solely to clarify the invention.

Withdrawal of the rejections to claims 10-17 and 20 is requested.

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E.   Claims 18, 19, 1-8, and 9 were rejected as unpatentable over Calver in view of Gryphon

The §103(a) rejection of claims 18-19, 1-8, and 9 is traversed. In order to maintain this rejection, each and every element of the claims must be taught or suggested by the references in as great detail as claimed.

Calver in view of Gryphon fails to teach or suggest, at least, establishing a plurality of patterns within the pictorial representation, the patterns indicative of various implementations of the business description as claimed in claim 18. The Examiner apparently relies on Gryphon for such a teaching, and correctly does not rely on Calver. The Examiner solely relies on Calver for a teaching of computer readable code. While Applicants do not concede that Calver teaches computer readable code, Calver does not cure the defects of Gryphon. At most, Gryphon teaches a workflow modeling language. The Gryphon language is for the visual presentation of business applications. However, Gryphon does not teach or suggest establishing a plurality of patterns within the pictorial representation.

Indeed, Gryphon specifically teaches that each "element primitive" is independently adjustable and can be modified or enhanced without damage to the overall process. Therefore, Gryphon unequivocally teaches away from any motivation or suggestion for establishing patterns, as any such pattern would destroy the independence of each element primitive. *See*, abstract of Gryphon.

Calver in view of Gryphon fails to teach or suggest, at least, establishing one or more composite patterns that are identifiable within the pictorial representation, each composite pattern being indicative of a grouping of a recurring combination of one or more business patterns and one or more integration patterns, the patterns indicative of various implementations of the business description as claimed in claims 1 and 9.   As noted above, Gryphon teaches that each element primitive is independently adjustable without damage to the overall process – a teaching that directly teaches away from the claimed elements.

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Furthermore, Calver in view of Gryphon fails to teach or suggest establishing one or more application patterns that are identifiable within the pictorial representation, each application pattern being indicative of a partitioning of an application logic and a data together with the styles of interaction among a plurality of logical tiers, as further claimed in claims 1 and 9. Neither Calver nor Gryphon, nor their combination, teaches anything relating to styles of interaction among a plurality of logical tiers or that the application pattern is indicative of a partitioning of an application logic.

Additionally, Calver in view of Gryphon fails to teach or suggest identifying integration patterns within the pictorial representation, as claimed in claims 4 and 13. Calver in view of Gryphon further fails to teach or suggest identifying information technology driver corresponding to one or more business requirements, or identifying an application pattern associated with the first integration pattern having a best match to each business driver and each information technology driver as claimed in claim 7.

Furthermore, claims 2-8 depend directly or indirectly from claim 1 and are therefore allowable over Calver in view of Gryphon for at least the same reasons as claim 1.

Withdrawal of the rejections to claims 18-19, 1-8, and 9 is requested.

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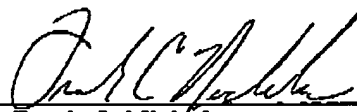Filed: August 9, 2001
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CONCLUSION

The Applicants respectfully submit that claims 1-20 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

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